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and Clyde Eli

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID SLACK, individually, and on behalf
of all others similarly situated, *et al.*

Plaintiffs,

vs.

INTERNATIONAL UNION OF
OPERATING ENGINEERS, a trade union, *et*
al.

Defendants.

Case No.: 3:13-cv-05001-EMC

CLASS ACTION

**STIPULATION REQUESTING
CONTINUANCE OF JUNE 19, 2014
CASE MANAGEMENT CONFERENCE
AND ASSOCIATED DEADLINES**

1 TO THE COURT, TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 This Stipulation is submitted pursuant to Local Rule 6-2 and is entered into by and
3 between all Plaintiffs and Defendants represented by the undersigned counsel (collectively,
4 “Stipulating Defendants,” and collectively, with Plaintiffs, the “Parties”) for the purpose of
5 efficiently managing this litigation involving numerous parties and complex issues.

6 A. The original Complaint in this matter was filed on October 27, 2013.

7 B. On November 1, 2013, the Court issued its Case Management Conference Order
8 in Reassigned Cases (Dkt. No. 10) scheduling the initial Case Management Conference (“CMC”)
9 on January 30, 2014 at 9:00 a.m. and directing that the Parties file a Joint CMC Statement one
10 week in advance.

11 C. Pursuant to the parties’ stipulation and Court’s subsequent order thereon, filed
12 January 6, 2014 (the “January 6, 2014 Stipulation and Order”) (Dkt. No. 27), Plaintiffs filed a
13 First Amended Complaint (“FAC”) on January 27, 2014 (Dkt. No. 29). The January 6, 2014
14 Stipulation and Order included a briefing schedule for any Rule 12 motions and set the hearing
15 for any such motions, as well as the date for a continued CMC, on April 10, 2014.

16 D. On March 10, 2014, pursuant to stipulation, the Court entered an Order Regarding
17 Case Management Conference (the “March 10, 2014 Order”) (Dkt. No. 54) directing the
18 Defendants to file their responsive pleadings by April 24, 2014, directing Plaintiffs to file their
19 oppositions to any motions to dismiss by May 22, 2014, directing Defendants to file their replies
20 by June 5, 2014, and scheduling the hearing of any motions directed at the FAC along with the
21 CMC for June 19, 2014 at 1:30 p.m.

22 E. In adherence with the deadlines set forth in the March 10, 2014 Order, Stipulating
23 Defendants filed their respective Rule 12 motions directed to the FAC (Dkt. Nos. 99; 106; 107;
24 109/110; and 114/115/136), and Plaintiffs filed their respective oppositions on May 22, 2014
25 (Dkt Nos. 145; 146; 147; 149; and 150).

26 F. Pursuant to the March 10, 2014 Order, Stipulating Defendants’ replies are due by
27 June 5, 2014, the Parties’ Joint CMC Statement is due by June 12, 2014, and parties are required
28 to confer regarding the matters set forth in the Order Setting Initial Case Management

1 Conference and ADR Deadlines (Dkt. No. 4) by May 29, 2014, and to file ADR-related
2 documents.

3 G. The Parties wish to be able to confer as efficiently and reasonably as possible
4 regarding Rule 26(f) and ADR-related matters, and respectfully believe it is premature to do so
5 given the presently uncertain status of the pleadings until after the Court's upcoming rulings,
6 which will likely affect the Parties' Rule 26(f) and ADR-related discussions and analysis.

7 H. Accordingly, the Parties now respectfully seek the Court's approval of a
8 continuance of the CMC presently set for June 19, 2014, along with all attendant CMC-related
9 deadlines, until after the Court's ruling on the motions to dismiss.

10 I. This Stipulation is not offered for any dilatory or improper purpose, but rather
11 solely to effectively manage the scheduling of case events and to ensure the most efficient use of
12 resources by the Court, the Parties, and their counsel.

13 WHEREFORE, subject to the Court's approval, Plaintiffs and the Stipulating Defendants,
14 desiring to efficiently manage this complex matter, hereby stipulate to a continuance of the CMC
15 and related deadlines until a date approximately six weeks after the Court's issuance of its
16 rulings on the pending Rule 12 motions.

17 Respectfully submitted,

18 Dated: May 28, 2014

MOORE & LEVIANT LLP

19 By: J. Mark Moore

J. Mark Moore

H. Scott Leviant

BERNS WEISS LLP

Jeffrey K. Berns

Lee A. Weiss

Albert G. Lum

24 Attorneys for Plaintiffs David Slack,
25 John Jarboe, Ken Bettis, Kenny Mendoza
26 and Clyde Eli

1
2 Dated: May 28, 2014

LAW OFFICE OF KENNETH C. ABSALOM

3
4 By: /s/ George R. Nemiroff

5 Kenneth C. Absalom

6 George R. Nemiroff

7 Attorneys for Defendants Russell E Burns,
8 Dan Reding, Jim Sullivan, Carl Goff, Justin Diston,
9 Steven Harris, Pane Meatoga, Nate Tucker

10 Dated: May 28, 2014

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11 By: /s/ Stacey Leyton

12 Stacey Leyton

13 Attorneys for Defendants IUOE; James T.Callahan,
14 Vincent Giblin

15 Dated: May 28, 2014

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22 Ching, Leonard Dempsey, Chad Goodfellow, Gary
23 Iwamoto, Ken Kawamoto, Kenneth Kobatake, Alvin
24 Kobayashi, Leonard Leong, Rodney Nohara, Ronald
25 Oshiro, Andy Ragasa, Peter Robb, Kathleen
26 Thurston, Lance Wilhelm, and Corey Yamashita

27 Dated: May 28, 2014

LITCHFIELD CAVO LLP

28 By: /s/ Talar Tavlian

Mark K. Worthge, Esq.

Talar Tavlian, Esq.

Attorneys for Defendant OE Federal Credit Union

ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: May 28, 2014

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ORDER

Pursuant to the Stipulation of counsel and for good cause shown, IT IS HEREBY
ORDERED that the Case Management Conference is continued to 7/24/14 at 9:30 a.m.
A joint CMC Statement shall be filed by 7/17/14.

IT IS SO ORDERED.

Dated: 5/29, 2014

